

**DELEGATION OF AUTHORITY  
SOLID WASTE DISPOSAL ACT (SWDA)**


Actions on Petitions Requesting a Variance from a Treatment Standard  
for Contaminated Soil and/or Debris that are Site-Specific

1. **AUTHORITY.** To grant or deny site-specific petitions for variance from a treatment standard for contaminated soil and/or debris established by the land disposal restrictions program (40 CFR §268.44(h), promulgated under sections 3004(d), 3004(e), 3004(g), and 7004(a) of the SWDA, as amended, and Sections 104 and 121 of CERCLA.
2. **TO WHOM REDELEGATED.**
  - a. Authority for CERCLA remedial actions is redelegated to the Deputy Regional Administrator.
  - b. Authority for CERCLA removal actions is redelegated to the Director, Superfund and Emergency Management Division, or equivalent.
  - c. Authority for other than CERCLA remedial or removal actions is redelegated to the Director, Land, Chemicals, and Redevelopment Division, or equivalent.
3. **LIMITATIONS.**
  - a. The clearance or approval of the form, text, and legal sufficiency of each legally operative document issued under this authority must be obtained from the Office of Regional Counsel before that document is signed or issued.
  - b. The appropriate regional official shall consult with the AA for OLEM 21 days before exercising this authority for the first three site-specific treatability variances for contaminated soil and/or debris which each Region issues under this delegation.
  - c. After the first three site-specific variances in each Region, the appropriate regional official will consult with the AA for OLEM 21 days before finalizing any proposed treatability variances which do not comply with the treatment levels or the technologies specified in OLEM guidance, indicating type of contamination, technology selected, and treatment levels selected.
  - d. The AA for OLEM may waive the consultation requirement by memorandum on a Region-by-Region basis.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the branch chief level, or equivalent.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSSION.** This delegation supersedes R10 8-45-B (07/11/2016) and any other delegation of the same authority.

**6. ADDITIONAL REFERENCES.**

- a. Land Disposal Restrictions, 40 CFR section 268.
- b. National Contingency Plan, 40 CFR part 300.
- c. EPA Delegations 8-45, 8-45-A, and 14-2.
- d. EPA Delegation 8-45-B.

June 27, 2019  
Date

  
Chris Hladick  
Regional Administrator